

## **REMARKS/ARGUMENTS**

This Response is promptly filed to place the above-referenced case in condition for immediate allowance. No claims been cancelled. No claims have been amended. No claims have been added. Claims 1-53 are pending in the application.

No new matter has been added to the application.

From the outstanding Office action: Claims 15 and 16 stand rejected under 35 USC § 102(b) as being anticipated by Feder (U.S. patent number 2,274,052). Claims 20-23 stand rejected under 35 USC § 102(b) as being anticipated by Thai (U.S. patent number 6,102,764).

Claims 1-14 and 25-53 have been allowed. Claims 17-19 and 24 are objected to as being dependent upon a rejected base claim but are allowable if rewritten in the independent form including all the limitations of the base claim and any intervening claims.

Applicant has seriously considered the Examiner's rejections and has closely reviewed the prior art and the existing claims in order to determine the measure of patentability for such claims.

Due to the destructive effects claim amendments now have in light of the Festo case, Applicant is reluctant to relinquish any claimed subject matter if it can at all be avoided. Upon close inspection of the Examiner's rejections as well as the cited prior art, Applicant believes that the rejected claims should be allowed over the prior art for the reasons set forth below. While Applicant is willing to amend the claims, in light of the remarks set forth below, Applicant believes that such amendments are not necessary in order to bring the rejected claims to allowability.

The Examiner rejected claims 15 and 16 as being anticipated by the Feder '052 patent as the Examiner considered the Feder reference to disclose a bubble solution supply system having a "housing" 62, a "channel" 70 and an "inverted bottle" 12 as set forth in paragraph two of the Office action.

Applicant's claim 15 specifically recites certain characteristics of an inverted bottle type fluid delivery system. These characteristics include an inverted bottle type fluid delivery system that is "adapted to maintain a fluid level such that the liquid bubble solution does not overflow the channel during normal use." Applicant believes that this is a unique feature of claim 15 that is not reflected in the Feder '052 patent. Instead, as set forth in column 2, line 42, the Feder '052 patent toy, "It is therefore necessary to control the flow of soap solution to the bowl and this is done by means of a valve 20." Similarly, in column 3 at approximately line 5, the patent states that:

It will be evident, however, that the child using the toy, need merely push the head 48 of the valve toward the toy body in order to bring the valve opening 46 into registration with passage 18, thereby permitting a quantity of soap solution to flow from the container to the bottom of the bowl. Space for a small collection of soap solution is formed by the passage 18 and the blow passage 52 meeting at the bottom of the bowl 14 as is clearly shown at 54 in Figure 1.

As a result of the structure described and shown in the Feder '052 patent, there is not "an inverted bottle type fluid system adapted to maintain a fluid level such that the liquid bubble solution does not overflow the channel during normal use. First, the system set forth in the Feder '052 patent does not maintain a fluid level; it merely supplies a low area

intermittently with soap solution and such intermittent supply must be done on a manual basis. Additionally, the supply system in the Feder '052 patent does not prevent the liquid bubble solution from overflowing the relevant channel during normal use. Instead, the vent opening 36 set forth in the Feder '052 structure (Figure 1 of Feder) would allow the entirety of the soap solution to flow into the passage 18 and either out the bowl 14 or the blowpipe 16 if the valve is not operated properly.

Due to the foregoing, Applicant believes that the inverted bottle type fluid delivery system set forth in Applicant's claims 15 and 16 is not anticipated nor made obvious by any of the cited references, particularly the Feder '052 reference.

With respect to claims 20-23, Applicant initially notes that claim 23 does not depend on any of the prior three claims, claims 20-22.

Claim 20 is to a membrane-forming member that operates separate and apart from a bubble loop upon which it acts. Exemplary claim 20 sets forth a membrane forming member that forms liquid bubble solution membranes (for the formation of bubbles), such formation of membranes taking place across an air passageway of a bubble loop. Claim 20 continues to set forth an additional distinguishing limitation in that the membrane forming member is powered by air pressure from a fan blowing air through the air passageway of the bubble loop.

Note should be taken that the membrane forming member of claim 20 is separate and apart from the bubble loop of claim 20 with its air passageway. Applicant believes that the Examiner may be considering the membrane forming member to be one and the same as the bubble loop. However, as Applicant's specification sets forth in detail, such is not the case. No such assertion is made in the application either in the specification or the claims.

Instead, Applicant's membrane forming member of claims 20 and 23 is a distinct and separate element that aids in the goal of achieving automatic bubble generation without having to continuously monitor the fragile and delicate bubble forming process. In fact, it is Applicant's membrane-forming member which enables the vertical bubble-dispensing device to operate automatically without inconvenient attention having to be paid to the bubble forming process. As is generally well known, the bubble forming process is one that is subject to a number of factors that may result in no bubbles being formed at all. Applicant's membrane-forming member ensures that bubbles are formed by ensuring that a membrane is formed across the air passageway of the bubble loop. Applicant's membrane-forming member is, in one embodiment, the membrane forming ring 128 as shown in Figures 1, 3, and 5 with particular clarity. As can be seen from the drawings, the membrane forming ring 128 operates in conjunction with the bubble ring or loop 108. Consequently, it can be seen that Applicant's membrane-forming member is separate and apart from the bubble loop, or bubble ring, which is actually what forms the bubble when a membrane is established across the air passageway or center area of the bubble loop. Without the formation of such a membrane, bubbles cannot be formed by blowing air through the bubble loop.

Applicant's claimed structure is distinct from that set forth in the Thai '764 patent. In the Thai patent, the Examiner has regarded the bubble producing device 28 as shown in the figures as being equivalent, or the same as, Applicant's membrane-forming member. Instead, element 28 in the Thai patent corresponds to the bubble ring or loop 108 in Applicant's disclosure. The bubble-producing device 28 does not form liquid bubble solution membranes across an air passageway of the bubble-producing device. While bubbles may be formed via a

membrane across the bubble producing device 28 in Thai, the bubble producing device itself is not powered by air pressure in forming such a membrane but instead is powered by a person's hand when the bubble producing device 28 is dipped into the dish 100 as shown in Figures 5-7 of Thai.

Consequently, it can be seen that the bubble-producing member 28 of the Thai patent does not correspond to the membrane-forming member in Applicant's claims 20-23. As a result, the bubble-producing device of Thai neither anticipates nor makes obvious Applicant's membrane-forming member. Applicant's membrane-forming member is indeed actually powered by air pressure and lifts off from the bubble ring 108 in a hingedly pivoting fashion in order to ensure the formation of the membrane across the bubble ring 108. No such membrane-forming member is present in the Thai patent as it is the dipping of the bubble-producing device 28 into the dish 100 of the Thai patent that causes the membranes to form.

The automatic generation of membranes across Applicant's bubble loop 108 is a significant feature of the present application. The absence of such a device in the Thai patent, and in all of the references cited in the present application, is an indication of the inventive nature of Applicant's claims and the allowability of Applicant's claims 20-23.

Additional limitations are present in Applicant's claims which further distinguish those claims over the references, particularly the Thai patent, are present in Applicant's claims 20-23. It is believed that these limitations further describe the membrane-forming member or the system with which it is coupled and that further explanation is not necessary although Applicants reserve the right to do so should this point be one with which the Examiner does not agree. Applicant recognizes that the Examiner's time is valuable and in order to avoid a

prolix reply, Applicant reserves the right to make further argument with regards to the membrane-forming member in the future.

The Examiner has also cited a number of patents and publications as pertinent to the presently-claimed invention. Since none of these have been relied upon as a reference against Applicant's claims, no further comment is deemed necessary.

In view of the above, the Examiner is respectfully requested to reconsider his position in view of the remarks made herein and the structural distinctions now set forth. The Examiner's rejections of the outstanding claims are believed to no longer apply. It is now believed that this application has been placed in condition for allowance, and such action is respectfully requested. Prompt and favorable action on the merits is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The statements made herein with respect to the disclosures in the cited references represent the present opinions of the undersigned attorney. In the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective references providing the basis for a contrary view.

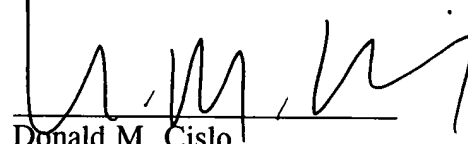
If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant invites the Examiner to contact Applicant's representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicant respectfully requests the Examiner to pass the application on to allowance. It is not believed that any additional fees are due; however, in the event any

additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit  
Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP



Donald M. Cislo

Reg. No. 22,060

Tel.: (310) 451-0647 x123

Date: October 9, 2003

DMC/ASJ/mfn

Enclosure

Acknowledgement Postcard

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
Customer No.: 25,189  
www.cislo.com

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